

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

**SNMP RESEARCH, INC. and SNMP
RESEARCH INTERNATIONAL, INC.,** § **Case No. 3:20-cv-00451**

Plaintiffs,

V.

**BROADCOM INC.; BROCADE
COMMUNICATIONS SYSTEMS LLC;
AND EXTREME NETWORKS, INC.**

Defendants.

Case No. 3:20-cv-00451

Jury Demand

**DECLARATION OF JOHN L. WOOD IN SUPPORT OF PLAINTIFFS' MOTION TO
COMPEL**

I, John L. Wood, declare and attest as follows:

1. I am an attorney at the law firm of Egerton, McAfee, Armistead & Davis, P.C., counsel of record for SNMP Research, Inc. and SNMP Research International, Inc. (together, "Plaintiffs") in this action. I am a member in good standing of the State Bar of Tennessee and have been admitted to practice before this Court. I have personal knowledge of the facts set forth in this Declaration and, if called to testify, I could and would testify competently thereto under oath.

2. On December 26, 2020, SNMP Research, Inc. served interrogatories, requests for production, and requests for admission upon Broadcom Inc. (“Broadcom”).

3. A copy of "SNMP Research, Inc.'s First Set Of Interrogatories To Broadcom Inc." is attached as Exhibit A.

4. A copy of “SNMP Research, Inc.’s First Set Of Requests For Production Of Documents To Broadcom Inc.” is attached as Exhibit B.

5. A copy of “SNMP Research, Inc.’s First Set Of Requests For Admission To Broadcom Inc.” is attached as Exhibit C.

6. On December 26, 2020, SNMP Research, Inc. served interrogatories, requests for production, and requests for admission upon Brocade Communications Systems, LLC (“Brocade”).

7. A copy of “SNMP Research, Inc.’s First Set Of Interrogatories To Brocade Communications Systems LLC” is attached as Exhibit D.

8. A copy of “SNMP Research, Inc.’s First Set Of Requests For Production Of Documents To Brocade Communications Systems LLC” is attached as Exhibit E.

9. A copy of “SNMP Research, Inc.’s First Set Of Requests For Admission To Brocade Communications Systems LLC” is attached as Exhibit F.

10. On December 26, 2020, SNMP Research, Inc. served interrogatories, requests for production, and requests for admission upon Extreme Networks, Inc. (“Extreme”) (collectively with Broadcom and Brocade, “Defendants”).

11. A copy of “SNMP Research, Inc.’s First Set Of Interrogatories To Extreme Networks, Inc.” is attached as Exhibit G.

12. A copy of “SNMP Research, Inc.’s First Set Of Requests For Production Of Documents To Extreme Networks, Inc.” is attached as Exhibit H.

13. A copy of “SNMP Research, Inc.’s First Set Of Requests For Admission To Extreme Networks, Inc.” is attached as Exhibit I.

14. On January 16, 2021, Plaintiffs sent Defendants a draft agreed protective order, attached hereto as Exhibit J. On January 24, 2021, Plaintiffs requested that Defendants provide their comments to Plaintiffs’ proposed draft. *See Exhibit K.* In this same email chain, Plaintiffs repeatedly asked Defendants to exchange source code, given that Defendants were contending an exchange of source code was necessary in order for them to answer some discovery.

15. As of the filing of this declaration, Plaintiffs have not received a response from Defendants regarding their comments on a proposed agreed protective order. Defendants have also never agreed to exchange source code, nor have they agreed on a future date to exchange source code.

16. On January 25, 2021, Broadcom, Brocade, and Extreme, served Plaintiffs with their objections to Plaintiffs' discovery.

17. A copy of Broadcom's "Responses and Objections to SNMP Research, Inc.'s First Set of Interrogatories" is attached as Exhibit L.

18. A copy of Broadcom's "Responses and Objections to SNMP Research, Inc.'s First Set of Requests for Production" is attached as Exhibit M.

19. A copy of Broadcom's "Responses and Objections to SNMP Research, Inc.'s First Set of Requests for Admission" is attached as Exhibit N.

20. A copy of Brocade's "Responses and Objections to SNMP Research, Inc.'s First Set of Interrogatories" is attached as Exhibit O.

21. A copy of Brocade's "Responses and Objections to SNMP Research, Inc.'s First Set of Requests for Production" is attached as Exhibit P.

22. A copy of Brocade's "Responses and Objections to SNMP Research, Inc.'s First Set of Requests for Admission" is attached as Exhibit Q.

23. A copy of Extreme's "Objections to SNMP Research, Inc.'s First Set of Interrogatories" is attached as Exhibit R.

24. A copy of Extreme's "Objections to SNMP Research, Inc.'s First Set of Requests for the Production of Documents" is attached as Exhibit S.

25. A copy of Extreme's "Objections to SNMP Research, Inc.'s First Set of Requests for Admission" is attached as Exhibit T.

26. On January 28, 2021, Plaintiffs' counsel requested that Counsel for Broadcom and Brocade schedule a time to meet and confer regarding Broadcom and Brocade's objections to the discovery. A copy of this email is attached as [Exhibit U](#).

27. On January 29, 2021, Plaintiffs' counsel requested that Counsel for Extreme schedule a time to meet and confer regarding Extreme's objections to discovery. A copy of this email is attached as [Exhibit V](#).

28. On February 1, 2021, Extreme stated that "for the reasons set forth in our objections and in the stay motion (including Defendants' concerns about ongoing one-sided discovery), a meet and confer does not make sense at this time." *See* [Exhibit V](#).

29. Additionally, on February 1, 2021, after receiving no response from Broadcom and Brocade's counsel to the original request to meet and confer, Plaintiffs again requested that counsel for Broadcom and Brocade schedule a time to meet and confer regarding Broadcom and Brocade's objections to discovery. *See* [Exhibit U](#).

30. On February 1, 2021, counsel for Broadcom and Brocade stated in response to the meet and confer request that "we believe meeting and conferring regarding the specific discovery requests should be postponed until the motion to stay and for a protective order is resolved." *See* [Exhibit U](#).

31. As of the filing of Plaintiffs' Motion to Compel, Defendants have yet to provide Plaintiffs with a single document or any substantive responses to discovery and have not agreed to a meet and confer with Plaintiffs to address their objections.

32. Brocade has not yet filed a certificate of interested parties in this case. However, in a letter dated August 1, 2019, Simone Yew, Broadcom, Inc.'s associate general counsel, described Brocade as a "wholly owned subsidiary of Broadcom Inc." A copy of this letter is attached as [Exhibit W](#).

33. On February 27, 2020, Tara Flanagan, assistant general counsel for Extreme, sent an email to me stating that “Extreme needs to license SNMP software to cover the Brocade license that Brocade had with SNMP for the SLX and NOS-related Extreme software.” A copy of this email is attached as Exhibit X.

34. The discovery propounded on Brocade and Broadcom is similar, as are their responses. A chart showing the Brocade discovery that corresponds to the Broadcom discovery is attached as Exhibit Y.

35. Broadcom and Brocade claim the following words are “vague and ambiguous”:

- a. “received” *see Responses to RFAs 1 and 2 in Exs. N and Q.*
- b. “inserted” *see Responses to RFAs 3 and 4 in Exs. N and Q.*
- c. “discussed” *see Responses to RFAs 28 and 29 in Ex. Q.*
- d. “terms” *see Responses to RFAs 28 and 29 in Ex. Q.*
- e. “added” *see Responses to RFAs 3 and 4 in Exs. N and Q.*
- f. “incorporated” *see Response to RFAs 3 and 4 in Exs. N and Q.*
- g. “compiled” *see Response to RFAs 5–8 in Exs. N and Q.*
- h. “transfer” *see Responses to RFAs 21–29 in Ex. N; RFAs 21, 22, 23, 28–39 in Ex. Q.*
- i. “permission” *see Responses to RFA 21 in Exs. N and Q.*
- j. “consent” *see Responses to RFAs 22, 23 in Exs. N and Q.*

Executed this 15th day of February, 2021, at Knoxville, Tennessee.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ John L. Wood
John L. Wood